

Message Text

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ACTION NEA-10

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C O N F I D E N T I A L SECTION 1 OF 2 NEW DELHI 8417

EO 11652: GDS
TAGS: SHUM, IN
SUBJ: HUMAN RIGHTS: DRAFT COUNTRY EVALUATION PLAN FOR INDIA

REF: A. STATE 134678; B. STATE 133681

1. WE BELIEVE DRAFT COUNTRY EVALUATION PLAN FOR INDIA
IS A GOOD ASSESSMENT OF THE GREATLY CHANGED HUMAN
RIGHTS PICTURE IN INDIA. WE HAVE THE FOLLOWING
SUGGESTIONS:

2. DRAFT PARA 2 (A) (1), (A,B,C,D,E) -- IN THE
SECOND SENTENCE, WE WOULD CHANGE THE PHRASE "NO REPORTS"
TO "NO SUBSTANTIATED REPORTS". WE WOULD THEN REVISE
THE REST OF THE PARAGRAPH TO READ: QUOTE: DURING HTE
RECENT STATE ASSEMBLY ELECTION CAMPAIGN, HOWEVER, THE
NOW-OPPOSITION CONGRESS PARTY OCCASIONALLY ALLEGED
THAT THE POLICE HARASSED ITS WORKERS AND IN CONFRONTA-
TIONS FAVORED JANATA PARTY PERSONNEL. THERE HAS BEEN
WIDESPREAD REVULSION IN INDIA AT THE ABUSE OF HUMAN
RIGHTS, MOST PARTICULARLY REPORTS OF TORTURE NOW
APLDARING IN THE PRESS, DURING THE EMERGENCY IMPOSED
BY THE PREVIOUS GOVERNMENT. THE PRIME MINISTER HAS
ESTABLISHED A COMMISSION TO INVESTIGATE GENERAL ALLE-
GATIONS OF SUCH ABUSES AND VARIOUS OTHER COMMISSIONS
TO INVESTIGATE SPECIFIC CASES. ACCORDING TO THE
HOME MINISTER, SPEAKING IN PARLIAMENT, ALL POLITICAL
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DETAINEES ARRESTED UNDER THE SPECIFIC PPWERS GRANTED
BY THE EMERGENCY HAVE BEEN RELEASED. POLITICAL
DETAINEES ARRESTED PRIOR TO THE EMERGENCY AND STILL
BEING HELD PENDING TRIAL INCLUDE SO-CALLED NAXALITES,
MEMBERS OF AN EXTREMIST GROUP ACCUSED OF VIOLENT
ACTIVITIES, PRINCIPALLY IN WEST BENGAL, BEGINNING IN THE
LATE 1960S. THE GOVERNMENT HAS NOT DECLARED A GENERAL

AMNESTY FOR NAXALITIES SINCE CRIMINAL CHARGES, SUCH AS ARSON OR MURDER, HAVE BEEN LODGED AGAINST SOME OF THEM, BUT CENTRAL GOVERNMENT AND NAXALITE LEADERS HAVE HELD DISCUSSIONS AND THE NAXALITE DETAINEES ARE BEING RELEASED GRADUALLY BY STATE AUTHORITIES. MEMBERS OF THE ANANDA MARG (A RELIGIOUS ORGANIZATION ACCUSED OF TERRORIST ACTIVITIES) WHO HAVE CRIMINAL CASES PENDING AGAINST THEM OR WHO HAVE BEEN CONVICTED IN SUCH CASES, ARE STILL IN CUSTODY. IT SHOULD BE NOTED THAT ALTHOUGH THE EMERGENCY HAS BEEN LIFTED, LAWS WHICH PERMIT PREVENTIVE DETENTION WITH CERTAIN LEGAL SAFEGUARDS REMAIN ON THE BOOKS. WE KNOW OF NO CASES, HOWEVER, IN WHICH THE NEW GOVERNMENT HAS INVOKED THESE POWERS. REGARDING DETAINEES IN GENERAL, THE HOME MINISTER HAS STATED THAT THE GOVERNMENT'S VIEW IS THAT NO ONE SHOULD BE KEPT UNDER DETENTION FOR AN INDEFINITE PERIOD AND THAT IT HAS ADVISED STATE GOVERNMENT TO RELEASE ALL THOSE UNDER DETENTION EXCEPT IN CASES WHICH CLEARLY INVOLVE THE INTERESTS OF THE SECURITY OF THE COUNTRY, VIOLENT ACTS, OR ECONOMIC OFFENSES. THE GOVERNMENT ALSO RECOMMENDED REMISSION OF SENTENCES OF THOSE CONVICTED OF POLITICAL CRIMES BY COMPETENT COURTS. END QUOTE.

3. PARA 3(2)(B). REVISE TO READ: BEGIN QUOTEDX
THERE IS FULL FREEDOM OF MOVEMENT WITHIN INDIA, EXCEPT FOR A LONG-STANDING REQUIREMENT OF PERMITS TO ENTER SENSITIVE TRIBAL BORDER AREAS. FOREIGN TRAVEL AND
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FREE EMIGRATION ARE PERMITTED. THE PASSPORTS OF A LIMITED NUMBER OF PEOPLE ASSOCIATED WITH THE PREVIOUS GOVERNMENT HAVE BEEN IMPOUNDED IN CONNECTION WITH THE INVESTIGATION OF ALLEGED CRIMINAL CASES. THE DESAI ADMINISTRATION HAS SAID THAT THE PROCESS OF PASSPORT ISSUANCE IS TO BE SIMPLIFIED AND EXPEDITED TO FACILITATE TRAVEL. END QUOTE.

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4. PARA (4)(B). WE WOULD REVISE TO INCORPORATE SOME OF PM DESAI'S VIEWS. QUOTE. WE CAN ENLIST THE SUPPORT OF THE INDIAN GOVERNMENT TO ADVANCE GENERALLY THE HUMAN RIGHTS CAUSE IN THE INTERNATIONAL FORA. HUMAN RIGHTS WAS A THEME OF PRIME MINISTER DESAI'S SPEECHES AT BOTH THE NON-ALIGNED AND COMMONWEALTH CONFERENCES. HOWEVER, MR DESAI HAS ALSO STRESSED THAT ALTHOUGH IN THE INTERESTS OF HUMANITY AT LARGE, THE CONSCIENCE OF THE WORLD SHOULD BE AROUSED, MAJOR RESPONSIBILITY MUST REST, AS IT DID IN THE CASE OF INDIA, WITH THE PEOPLE OF THE COUNTRIES CONCERNED AND THAT THERE SHOULD BE NO INTERFERENCE IN THE AFFAIRS OF OTHER COUNTRIES. MOREOVER, BEYOND A PRINCIPLED STAND AGAINST NON-INTERFERENCE, THE GOI WILL LIKELY AVOID GIVING SUCH SUPPORT WHEN IT MIGHT BE PUT IN DIRECT CONFLICT WITH THE SOVIET UNION OR CHINA, OR A THIRD WORLD COUNTRY WITH WHICH IT HAS A SIGNIFICANT RELATIONSHIP. IN PARTICULAR, DESPITE THE DESIRE IN SOME SECTORS OF THE RULING PARTY AND THE PRESS FOR THE GOVERNMENT TO CRITICIZE ALLEGED ABUSES OF HUMAN RIGHTS IN NEIGHBORING COUNTRIES, THE DESAI ADMINISTRATION HAS BEEN CAREFUL TO AVOID COMMENTING ON THE INTERNAL AFFAIRS OF PAKISTAN, NEPAL AND BANGLADESH, AS A FOUNDER OF THE NON-ALIGNED MOVEMENT, MOREOVER, INDIA IS CONCERNED THAT THE COHESIVENESS OF THE MOVEMENT NOT BE UNDERMINED BY CRITICIZING MEMBER STATES ON ISSUES NOT DIRECTLY INVOLVING INDIAN INTERESTS. CONFIDENTIAL

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HOWEVER, WE ANTICIPATE THAT HUMAN RIGHTS IN OTHER COUNTRIES WILL BE A POLITICAL CONCERN IN INDIA BECAUSE MANY PROMINENT MEMBER OF THE JANATA PARTY, WHO FEEL LESS CONSTRAINED BY FOREIGN POLICY CONSIDERATIONS THAN THE GOVERNMENT ITSELF, WILL CONTINUE TO SPEAK OUT IN CERTAIN CASES. END QUOTE. GOHEEN

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